

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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DEC - 4 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
Revision of the Commission's Rules)
To Ensure Compatibility with)
Enhanced 911 Emergency)
Calling Systems)

CC Docket No. 94-102

To: Chief, Wireless Telecommunications Bureau

REQUEST FOR RULE WAIVER

DiGiPH PCS, Inc. ("DiGiPH"), by its attorneys, pursuant to the FCC's Order in the above-referenced proceeding released on November 13, 1998,¹ hereby files its request for waiver ("Waiver") of Section 20.18 of the Commission's Rules. In the Order, the FCC extends forbearance of enforcement of Section 20.18 until December 31, 1998, and requires entities that will be non-compliant as of that date to file requests for waiver by December 4, 1998. Although DiGiPH has been advised by its infrastructure vendor that the DiGiPH network, as presently configured, is fully capable of supporting TTY devices, DiGiPH will technically be non-compliant with Section 20.18 upon its enforcement due to the unavailability of the necessary subscriber interface equipment to

¹In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Order, rel. Nov. 13, 1998 ("Order").

enable the TTY device to interface with a GSM handset. Accordingly, DiGiPH respectfully requests a waiver of Section 20.18, to whatever extent necessary, until such time as the requisite subscriber interface equipment is commercially available.

DiGiPH provides digital wireless service in the Mobile, AL; Pensacola, FL; Biloxi-Gulfport-Pascagoula, MS; Ft. Walton Beach, FL; Hattiesburg, MS; Columbus-Starkville, MS; Meridian, MS and Laurel, MS BTAs.² DiGiPH greatly desires to comply with the requirements of Section 20.18 and to provide hearing-impaired persons with TTY access to E911 services over its digital wireless network. As the FCC is aware, compliant *subscriber* equipment is not commercially available from handset equipment vendors to permit DiGiPH to offer TTY access to E911 services over its digital wireless network notwithstanding the fact that DiGiPH's GSM network is, according to its infrastructure vendor, fully capable of supporting such devices at this time. Thus, this is not a situation where compliance is unduly burdensome for DiGiPH, rather, it is impossible for DiGiPH to comply with this rule section because there is not compliant handset equipment available. By installing a TTY compliant network, DiGiPH respectfully submits that, as a Commission licensee, it has taken all steps of which it is presently capable to comply with the requirements of Section 20.18. Additionally, DiGiPH commits to make the requisite subscriber interface devices available to subscribers through its retail outlets once those devices are commercially available. Because it is impossible for DiGiPH to comply with the upcoming December 31, 1998 deadline, DiGiPH respectfully requests a waiver of that deadline.

²Stations KNLF618 (B302C); KNLF619 (B343C); KNLF620 (B042C); KNLF621 (B154C); KNLF622 (B186C); KNLF623(B246C); KNLF624 (B292C); KNLF625 (B094C).

The Order sets forth specific questions that should be answered in support of waivers of the December 31, 1998 deadline. Since those questions relate to the technical specifications of the equipment that is being developed to provide TTY compatible service, and as such are beyond the scope of information which DiGiPH can provide, such questions are more appropriately addressed by equipment vendors because the equipment vendors, and not the licensees, are directly involved in developing compliant equipment. To form the basis of its Waiver, DiGiPH requested that its infrastructure equipment vendor provide responses to all information set forth in the Order in sufficient time to meet the December 4, 1998 waiver deadline. This request and the equipment vendor's response thereto is attached as Exhibit A. As evinced by the letter from Siemens set forth in Exhibit A, DiGiPH respectfully submits that its network is capable today of meeting the requirements of Section 20.18 of the rules. As Siemens explains, it is only the lack of a handset interface device which precludes fully compliant service over DiGiPH's Siemens infrastructure at this time. Siemens explains that "the GSM North America group is aware of this subscriber equipment issue and has formed a working group amongst the terminal vendors and operators headed by Karl Warfel of BellSouth DCS, to help resolve this interface issue." In light of the foregoing, it is respectfully submitted that DiGiPH, having met its obligations as a Commission licensee to deploy a network capable of providing the *service* required by Section 20.18 of the Commission's rules, should be granted a waiver of the requirement to actually provide such service until such time as the requisite subscriber equipment is commercially available.

The Order requires that licensees, on a quarterly basis, update information supporting their waivers. DiGiPH will therefore, on a quarterly basis, advise the Commission as to whether such subscriber interface devices have become commercially available or if the requested waiver will need

to be extended. As soon as equipment is commercially available from GSM handset vendors, DiGiPH intends to comply with Section 20.18 of the Commission's rules.

Respectfully Submitted,

DiGiPH PCS, Inc.

A handwritten signature in black ink, appearing to read "Michael Kurtis", is written over a horizontal line.

Michael K. Kurtis
Jeanne W. Stockman
Its Attorneys

Kurtis & Associates, P.C.
2000 M Street, N.W.
Suite 600
Washington, D.C. 20036
(202) 328-4500

Dated: December 4, 1998

EXHIBIT A



851 S. Beltline Highway
Suite 804
Mobile, AL 36606
334/450-2500

Dennis Kaiser
President & CEO

December 2, 1998

Thorsten Heins
Head of Business Unit Wireless Products
Siemens Stromberg-Carlson
900 Broken Sound Parkway
Boca Raton, Florida 33487
Via Fax: 561-955-8726

Re: Compliance with FCC Requirements to Provide 911
TTY Access Over Digital Networks

Dear Berndt:

As you are aware, Digiph PCS currently utilizes your Company's GSM infrastructure equipment to provide digital PCS service throughout its licensed service area.

Section 20.18 of the Federal Communication Commission's ("FCC" or "Commission") rules requires non-discriminatory access to state and local government services such as 911 for people with speech or hearing disabilities. Specifically, the Commission's rules require that all licensees provide TTY access to 911 services over cellular, PCS and certain SMR networks. Until now, the FCC has not enforced this requirement with respect to carriers operating in the digital format. We understand that this forbearance has been based upon the recognition by the FCC that none of the current digital protocols (TDMA, CDMA, iDEN or GSM) are capable of passing TTY data with an acceptable error rate.

The FCC has recently extended the period for which it will forebear from enforcing the requirements of Section 20.18 against digital carriers to **December 31, 1998**. Non-compliant licensees must seek a waiver of this deadline by **December 4, 1998**.¹

¹In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Order, rel. Nov. 13, 1998.

Notwithstanding the FCC's decision to allow further extensions of the forbearance period on a carrier-by-carrier basis, Digiph PCS wishes to proceed with the deployment of the necessary system modifications to enable full compliance with the requirements of Section 20.18 as quickly as possible. We therefore ask that you provide us with a projected timetable of the availability of the requisite infrastructure equipment to enable the system which we presently have operating to be fully compliant. In addition, we ask that you provide us with a formal quote for that upgrade as soon as it has completed any requisite FCC type acceptance procedures and becomes commercially available. In addition, we ask that you provide us with the names of any alternate system suppliers which might provide this functionality on an ancillary basis, with equipment that is capable of interfacing with the infrastructure equipment which you have provided.

Until such time as you can provide us with the requisite infrastructure upgrades to enable us to fully comply with the requirements of Section 20.18, we must seek a formal waiver of that rules from the FCC. This waiver must be filed by December 4, 1998.

In support of that waiver, the FCC is requiring certain technical information to be included in the waiver in order for it to receive favorable consideration. However, most of the information sought by the FCC appears to pertain to equipment vendors' ability to supply digital wireless licensees with compliant equipment. Accordingly, in addition to the information requested above, we ask that you provide us with specific responses to the items presented below. Digiph PCS intends to submit a copy of your response to the FCC in support of Digiph PCS's request for waiver on December 4, 1998. Therefore, if any of the information which you provide in response to any item set forth below is confidential and therefore subject to the non-disclosure provisions of our Supply Agreement, we ask that you submit a formal answer to each item with such specificity which you would allow to be disclosed publicly to the FCC and provide a detailed response (stamped as confidential) as an attachment to your written response to this letter. Because of the FCC's December 4, 1998 deadline for carriers to seek waivers, we must ask that your written response to this letter be forwarded in sufficient time to ensure its receipt by Digiph PCS by no later than December 3, 1998.

Questions:

- A. Is the infrastructure equipment which you provided to Digiph PCS and Digiph PCS is presently operating, capable in its current form or with presently commercially available upgrades, of providing full support and access to TTY devices to ensure reliable access to 911 services by persons utilizing such TTY devices sufficient to enable Digiph PCS to fully comply with the requirements of Section 20.18 of the FCC's rules? If so, please provide a formal quote and pricing information in accordance with the terms and conditions of our Equipment Supply Agreement. If not, please provide answers to the remaining questions.
- B. What steps are Siemens taking or intending to take to provide carriers utilizing its infrastructure equipment with the ability to provide users of TTY devices with the capability to operate such devices in conjunction with digital wireless systems in compliance with Section 20.18 of the rules?

- C. When do you intend to make this capability available to your infrastructure users to enable them to provide full Section 20.18 compliant service to TTY users? This information should include well-documented timetables and milestones regarding the implementation of this capability.
- D. What reasonable steps are you taking to address the consumer concerns listed below? Where the requested capability is network independent, *i.e.*, your infrastructure equipment could provide that capability now to a common TTY device deployed within the past ten years, please so indicate. Where the system cannot provide that capability to a properly functioning common TTY device deployed within the past 10 years, please indicate whether the item requested is technologically feasible with modification to the infrastructure equipment and, if so, an approximate timeframe for implementation of that capability.

Consumer Concerns:

1. That the character error rate should approximate that of AMPS, which has been demonstrated at <1% for stationary calls.
2. That the TTY caller be able to visually monitor all aspects of call progress provided to voice users. Specifically, the ability to pass through sounds on the line to the TTY (so that the user can monitor ring, busy, answered-in-voice, etc.) should be provided.
3. That there be a visual indication when the call has been disconnected.
4. That volume control capability should be provided.
5. That the TTY user must have a means of tactile (vibrating) ring signal indication.
6. That the caller must be able to transmit TTY tones independent of the condition of the receiving modem. (This is to permit baudot signaling by pressing a key, to let a hearing person know that the incoming call is from a TTY).
7. That the *landline* party's TTY must not require retrofitting in order to achieve the desired error rate.
8. That the *wireless* party's TTY may require retrofitting, or a new model TTY to be developed, or the use of a portable data terminal such as a personal digital assistant.
9. That VCO and HCO should be supported where possible.
10. That reduction of throughput (partial rate) on Baudot is highly undesirable and should not be relied upon to achieve compliance (See #7). It may be useful as a user-selectable option to improve accuracy on a given call.

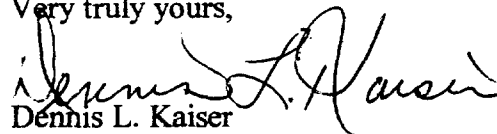
11. That call information such as ANI and ALI, where provided in wireless voice, should also be provided for TTY calls.
12. That the solution need not support seldom little-used or obsolete TTY models, but in general should support the embedded base of TTYs sold over the past ten years. The landline equipment supported must not be limited to that used in Public Service Answering Points (911 centers).
13. That drive conditions must be supported, again using AMPS as a benchmark.

It is Digiph PCS's understanding that each and every consumer item addressed above is available today in an AMPS environment. If you have responded that any of the items identified above are not technically feasible with the digital protocol which Digiph PCS has deployed with your infrastructure equipment, please provide sufficient technical detail to enable Digiph PCS to properly explain that limitation to the FCC. Also, please identify whether that limitation is inherent to your company's infrastructure equipment or an inherent limitation in the digital protocol.

Assuming that the FCC grants the initial waiver of the December 31, 1998 deadline for a digital carrier to comply with the requirements of Section 20.18, the FCC has indicated that it will require licensees to provide updates every three (3) months on the items set forth above in order for waivers request to remain in effect. These updates are to state the progress that has been or is being made toward implementation of TTY/digital capability. Therefore, we ask that you provide us with updates with respect to each of the items discussed above as soon as such information becomes available, but no less frequently than quarterly by the last business day of February, May, August and November.

Should you have any questions with respect to this matter. Please do not hesitate to contact me. In light of the extremely short time frame which the FCC has allowed for Digiph PCS to seek a waiver, your prompt attention to this matter would be sincerely appreciated.

Very truly yours,



Dennis L. Kaiser
President & CEO

Cc: Dwain Kinard – VP Digiph PCS
Michael Kurtis – Esquire, Kurtis & Associates

SIEMENS

December 3, 1998

Mr. Dennis Kaiser
President and CEO
DigiPH PCS
851 South Beltline Highway, Suite 804
Mobile, AL 36606

Re: Compliance with FCC Requirements to Provide 911 TTY Access Over Digital Networks

Dear Mr. Kaiser:

Enclosed is the Siemens response to the DigiPH PCS questions as outlined in your letter to Thorsten Heins dated December 2nd, 1998.

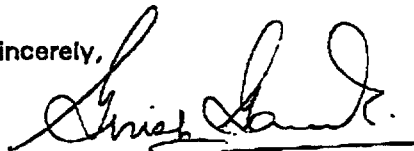
The Siemens infrastructure equipment provided to DigiPH PCS is capable, in its current form, of supporting the TTY devices, as required by the FCC. The TTY device's interface to the network is a traditional voice call and thus is transparent to the GSM infrastructure equipment. The interface between the handset and TTY devices must be standardized for the TTY user to connect their handset to the TTY device. In fact, the GSM North America group is aware of this issue and has formed a working group amongst the terminal vendors and operators headed by Karl Warfel of BellSouth DCS, to help resolve this interface issue.

In order to respond specifically to the items addressed in the letter dated December 2, 1998:

- (A) - Yes, the infrastructure equipment provided to DigiPH by Siemens is currently compliant with the requirements of section 20.18 of the FCC Rule.
- (B) - Since the Siemens infrastructure equipment is compliant at this time to the requirements, no further steps are being taken.
- (C) - The capability is currently available in the infrastructure equipment provided to DigiPH by Siemens.
- (D) - The consumer concerns listed 1 - 13 apply to the interface between the mobile terminal and the TTY terminal only. The infrastructure equipment will transmit the data provided by the TTY device towards the network.

If you have any questions, please contact: Gus Irizarry (561) 955-8291, or myself at (561) 955-8292.

Sincerely,



Girish Gandhi
Wireless Sales Director

Siemens Information and Communication Networks, Inc.

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